REMARKS

Claims 1-39 are in this application, with claims 16-22, 28-33, 36, and 37 having been amended herein.

In the office action, the claims are rejected under 35 U.S.C. 112, second paragraph. Specifically, the Examiner states that the claims appear to be a literal translation into English from a foreign language. More specifically, the Examiner refers to claims 28, 31, 32, and 33 and the phrase "a content signal requested much" as a phrase which must be rewritten. In response, claims 16-22, 28-33, 36, and 37 have been amended to place the claims in greater conformity with customary U.S. patent practice and standard English grammar. Accordingly, it is requested that the rejections to the claims under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 1-3, 5-16, 19-36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,625,811 to Kaneko in view of U.S. Patent No. 6,061,056 to Menard, et al. Claims 4, 17, 18, 37, and 38 are rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Kaneko and Menard, in further view of U.S. Patent No. 6,118,873 to Lotspiech, et al. In response, the rejection is respectfully traversed for at least the following reason.

MPEP § 706.02(k) states that

> "[e]ffective November 29, 1999, subject matter which was prior art under former 35 U.S.C. § 103 via 35 U.S.C. § 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention 'were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.' This change to 35 U.S.C. § 103© applies to all utility design, and plant applications filed on or after November 29, 1999..."

At the time the present invention was made, Kaneko was subject to an obligation of Assignment to Sony Corporation. Similarly, the instant application was under an obligation to, and has in-fact been assigned to the Sony Corporation as evidenced by the filing of such

assignment with the U.S. P.T.O. on May 5, 2000. As the Kaneko reference meets the criteria to be considered a reference under 35 U.S.C. § 102(e), and has been assigned to the Sony Corporation, the same assignee as the instant application, it cannot properly be considered a reference under 35 U.S.C. § 103(a), as 35 U.S.C. § 103(c) expressly forbids such a reference from "precluding patentability." Accordingly, without Kaneko, it is respectfully requested that the above rejection of claims 1-39 be withdrawn.

The Examiner has apparently made of record, but not applied, several documents. The Applicants appreciate the Examiner's implicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

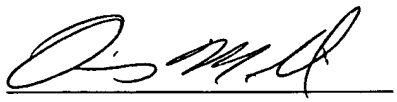
In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 

Dennis M. Smid
Reg. No. 34,930
(212) 588-0800